



183

0-4844

OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable E. L. Hinson, Jr.
County Auditor
Polk County
Livingston, Texas

Dear Sir:

Opinion No. 0-4844
Re: Where there is insufficient money in the Officers' Salary Fund to pay the salaries and other claims chargeable against said fund, and there is insufficient money in the general fund to be transferred to the Officers' Salary Fund, what is the legal way to pay the salaries and other claims of the county officers, and related questions?

Your letter of September 15, 1942, requesting the opinion of this Department on the questions therein stated reads in part as follows:

"Under Article 3912B the County Officers of Polk County are compensated on a salary basis under the Officers Salary Fund. I wish for an opinion on the following questions:

"Where there are insufficient monies in the Officers Salary Fund to pay the salaries and other claims chargeable against same and there are insufficient monies in the General Fund to be transferred to Officers Salary Fund, what is the legal way to pay the salaries and other claims of the County Officers? Could scrip be issued against the General Fund when there is no money that could be transferred from General Fund to the Officers Salary Fund?

Honorable E. L. Hinson, Jr., Page 2

"Could the Commissioners Court transfer money from the Permanent Improvement Fund to the Officers Salary Fund if there is a surplus in the Permanent Improvement Fund until there is sufficient money in Officers Salary Fund to pay salaries of the county officers and transfer same back to the Permanent Improvement Fund?"

Your first question as quoted above is identical to the questions considered in Opinions Nos. O-1431 and O-1494 of this Department. We think that these Opinions specifically answer your first question. Therefore, in answer to your first question we enclose copies of the above mentioned Opinions for your convenience.

In view of what is said in the two Opinions mentioned above, we respectfully answer your second question in the affirmative.

Your third question is respectfully answered in the negative. As our authority for answering your third question in the manner it is answered, we refer to the case of Carroll vs. Williams, 202 S.W. 504.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams
Assistant

AW:nw

Enclosures

APPROVED SEP 23, 1942

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

